

**Conservation Commission Meeting Minutes
September 12, 2012**

Member Present: Louis A. Napoli, Chairman, Joseph W. Lynch, Jr. Vice Chairman, Deborah A. Feltovic, John T. Mabon, Sean F. McDonough, Douglas W. Saal.

Members Absent: Albert P. Manzi, Jr.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Heidi M. Gaffney, Conservation Field Inspector, Donna M. Wedge, Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:06 PM Quorum Present.

Public Hearings: 7:08 PM

Approval of Minutes of 5/9/12

- A motion to accept the meeting minutes of 5/9/12 as drafted and reviewed is made by Ms. Feltovic, seconded by Mr. Mabon
- Vote unanimous.

Abbreviated Notice of Resource Area Delineation (ANRAD)

242-1567, 50 Royal Crest Drive (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.)

- Kenneth M. Lania of Cornerstone Land Consultants, Inc. is present.
- The administrator reviews briefly and states that she has reviewed the wetland delineation and has asked the applicant to put the square foot size of each isolated wetland onto the plan.
- Mr. Lania presents the ANRAD and discusses the wetland areas on the site.
- The commission discusses the ANRAD and the nature of some of the isolated areas. They discuss that they will need to see revised plans and that this matter will need to continue due to their not being any MA DEP # assigned to it as of yet.
- Mr. Lania requests a continuance.
- A motion to grant the request for a continuance to the September 26, 2012 meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.
- *Documents:*
 - *Application Checklist-Abbreviated Notice of Resource Area Delineation*
 - *Letter from Cornerstone Land Consultants, Inc. dated 8/20/12*
 - *WPA Form 4A-Abbreviated Notice of Resource Area Delineation and associated documents*
 - *ANRAD Site Plan dated 8/6/12*

Notice of Intent (NOI)

242-1568, 50 Royal Crest Drive (AIMCO North Andover, LLC) (Cornerstone Land Consultants)

- Kenneth M. Lamia of Cornerstone Land Consultants, Inc. is present.
- Mr. McDonough reads the legal notice.
- The administrator briefly reviews the proposed project.
- Mr. Lania presents the proposed work and discusses the Notice of Intent.
- Mr. Mabon asks if a third party review is necessary.
- The administrator states that this has already been reviewed by Eggleston Environmental and the entire site has been walked already.
- The administrator states that the bordering vegetated wetland is created by drainage channels from of site drainage.
- Mr. Napoli states that this is more of a maintenance issue.
- Mr. Lynch discusses the drainage in the area.
- The commission and Mr. Lania discuss the drainage for this site.
- Mr. Napoli discusses that the site was built in the late 1960's and early 1970's and the drainage was handled differently back then.
- Mr. Lania requests a continuance.
- A motion to grant the request for a continuance to the September 26, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents:*
 - *Application Checklist-Notice of Intent*
 - *Letter from Cornerstone Land Consultants, Inc. dated 8/20/12*
 - *WPA Form 3-Notice of Intent and associated documents*
 - *Site Plan dated 8/29/12*
 - *Photo's dated 4/25/12*

242-1564, 140 Marian Drive (Motew) (Hancock Associates) (cont. from 8/22/12)

- Greg Hochmuth of Hancock Associates is present.
- The administrator states that revised plans have been submitted. The applicant has changed the proposal slightly to provide better access to the basement. She states that Mr. Hochmuth has also pointed out that the FEMA floodplain is mapped farther onto the property than originally shown but no additional fill is proposed and there is no mapped elevation.
- Mr. Hochmuth presents the changes to the plan and discusses the improved access to the basement under the deck. He states that under the wooden stairs there would be crushed stone or grass to allow the water to drain and that the homeowner wishes to tie the drainage that exists near the basement door into the existing foundation drain.
- Mr. Mabon discusses the buffer zone restoration and the cleanup of the brush pile.
- Mr. McDonough asks about installing either a stone wall or a post and rail fence at the limit of the new No-Disturb Zone.
- A motion to close the public hearing and issue a decision within 21 days is made by Mr. Lynch, seconded by Mr. Mabon.

- Vote unanimous.
- *Documents:*
 - *WPA Form 3-Notice of Intent and associated documents*
 - *Letter from Hancock Associates dated 8/29/12*
 - *Hancock Associates photos dated 8/29/12*
 - *Aerial Photos dated 8/20/12*
 - *Photos dated 8/15/12*
 - *Site Plan dated 8/10/12*

242-1559, 40 Sugarcane Lane (LaGrasse) (Hancock Associates) (cont. from 8/22/12)

- No one is present.
- The administrator states that the applicant has requested a continuance to the September 26, 2012 meeting.
- A motion to grant the request for a continuance to the September 26, 2012 meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.
- *Documents:*
 - *E/Mail from Hancock Associates requesting a continuance to September 26, 2012 meeting dated 8/28/12*
 - *Aerial Photo dated 8/8/12*

242-1562, 151 Boxford Street (Kutz) (Sullivan Engineering Group, LLC) (cont. from 8/22/12)

- No one is present.
- The administrator briefly reviews the project and states that this was continued administratively due to the 3 week gap.
- A motion to close the public hearing and issue a decision within 21 days is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

242-1563, 0 Great Pond Road (Paolino) (Sullivan Engineering Group, LLC) (cont. from 8/22/12)

- The applicants David & Corliss Paolino of 940 Great Pond Road and John Sullivan of Sullivan Engineering Group, LLC are present.
- The administrator briefly reviews the proposed project and the changes to the plan.
- Mr. Sullivan presents the revised plan and states that they have brought the limit of work in closer to the house and have enlarged the drywell as well as some other plan changes.
- Mr. Lynch states test pits would be needed on site in the location of the drywell.
- Mr. Mabon asks if any waivers are needed.
- Mr. Sullivan states that no waivers are needed.
- Mr. Mabon states that he would like to see the limit of work and the tree line shown on the plan.
- The administrator states that the wetland markers will go at the limit of work.
- Mr. Lynch discusses the maintenance of the porous pavement driveway.

- The administrator discusses whether a stone wall or a fence should be placed at the limit of work.
- The commission and Mr. Sullivan discuss and decide that due to the limit of work being approximately 50' from the wetland that a fence is acceptable. Stone walls are usually required when they will be at the 25' No-disturb zone.
- The administrator discusses the invasives removal and management plan.
- The commission discusses the management of invasive species on the site.
- Mr. Sullivan requests a continuance.
- A motion to grant the request for a continuance to the September 26, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents:*
 - *Letter from Sullivan Engineering Group, LLC dated 9/5/12*
 - *Letter from Eggleston Environmental dated 9/10/12*
 - *Aerial Photo dated 8/20/12*
 - *Site Development Plan of Land dated revised 9/5/12*

242-1565, 1635 Osgood Street (Munroe) (Merrimack Engineering Services, Inc.) (cont. from 8/22/12)

- The administrator states that a revised plan showing the correct wetland line has been received. The leach field is now 77' from the BVW.
- A motion to close the public hearing and issue a decision within 21 days is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

242-1566, 95 Olympic Lane (Verminski) (Goddard Consulting, LLC)

- The applicant Michelle Verminski of 95 Olympic Lane and Dan Wells of Goddard Consulting, LLC are present.
- Mr. McDonough reads legal notice.
- The administrator reviews the project and discusses the review of the wetland delineation and that it appears that the area around the septic tank has been dug up.
- Ms. Verminski states that the septic tank was exposed so that it could be located.
- Mr. Wells presents the project and submits a revised plan at the meeting.
- The commission, the administrator and Mr. Wells discuss the wetland line and the need to change flags 8 and 9.
- Mr. Napoli states that they must show a stockpile area on the plan.
- Mr. Mabon states that a planting plan should be submitted.
- The administrator states that a no-disturb zone should be established.
- Mr. McDonough stated there should stone wall or a post and rail fence to stop encroachment within the no-disturb zone.
- Ms. Verminski agrees to a fence, stone wall or posts and markers at the edge of the existing line of hostas.
- Mr. Lynch discusses the construction and asks if the addition will be a full foundation or will be on footings.
- Ms. Verminski states that she would like to do a full foundation.

- Mr. Wells requests a continuance.
- A motion to grant the request for a continuance to the September 26, 2012 meeting is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Application Checklist-Notice of Intent*
 - *WPA Form 3-Notice of Intent and associated documents*
 - *Letter from Goddard Consulting, LLC dated 8/22/12*
 - *Proposed Addition Plot Plan of Land dated 9/12/12*
 - *Aerial Photo dated 9/12/12*

Amendment Request

242-1428, Lot 4N-A Turnpike Street (One Hundred Fourteen Trust) (Patrick Garner of Garner Company, Inc.)

- The applicant Pribhu L. Hingorani of One Hundred Fourteen Trust, Patrick C. Garner of Garner Company, Inc., and Builder Timothy Barlow are present.
- Mr. Saal reads the legal notice.
- Mr. Garner presents the proposed changes which will allow for two car garages on several units. He states that 26 driveways will change based on comments from Eggleston Environmental.
- Mr. Lynch asks about the depth to groundwater under the porous pavement and states that construction will need to be watched very closely.
- Mr. Mabon states that the site will need to be closely monitored.
- The administrator discusses the amendment and states that she will reference the new plan in the order of conditions.
- Ms. Feltovic asks about snow storage areas and if they are adequate.
- Mr. Lynch states that the snow would likely have to be trucked off site.
- The administrator states that Lisa Eggleston and Patrick Garner have worked out the snow storage issues.
- Mr. Garner asks about doing the water and sewer connections in the roadway right-of-way along Route 114.
- Mr. Lynch states that that work can be done but will require a pre-construction meeting.
- Mr. Hingorani states that he would like to start work in a few weeks.
- A motion to approve the amendment as presented and discussed and replace sheets 7, 8, 9 & 10 in the plan set is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Letter from Patrick C. Garner of Garner Company, Inc. dated 8/27/12*
 - *Letter from Patrick C. Garner of Garner Company, Inc. dated 9/11/12*
 - *Drainage & Utility Plan dated 9/10/12*
 - *Letter from Eggleston Environmental dated 9/7/12*
 - *Revised plan sheets 7, 8, 9 & 10 dated*
 - *Abutter receipts received*

General Business: 8:45 PM

Trail Improvement Project Bog Bridge on Bay Circuit Trail (Friends of North Andover Trails)

- Thomas Powers of The Friends of North Andover Trails is present.
- The field inspector briefly reviews the project.
- Mr. Saal asks why this is not a Notice of Intent filing.
- The commission discusses how trail maintenance is handled.
- Mr. Powers states this just a simple bridge replacement.
- Mr. Lynch discusses why these are handled as Enforcement Orders.
- Mr. Mabon discusses the use of friendly Enforcement Orders.
- The commission continues the discussion.
- Mr. Powers presents the proposed project.
- A motion to issue a friendly enforcement order for bridge work on the bay circuit trail is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Trail Improvement Project dated 9/5/12*
 - *Bog Bridge on Bay Circuit Trail dated 9/5/12*
 - *Overview*
 - *Proposed Work*
 - *Work Schedule*
 - *Sketched Plan dated 9/5/12*
 - *Aerial Photo of Site work dated 9/5/12*

242-1401, Modification Request, 495 Forest Street (Lot 2) (Haley)

- The Applicant Mr. Josiah Haley of 495 Forest Street is present.
- The field inspector discusses the proposed work and states that the homeowner wishes to expand the driveway in the area of the garages to allow for easier backing out of the garages and turning around and to allow for a basketball hoop. The proposed area of additional pavement is approximately 600 square feet and is approximately 85 feet from the edge of the wetland. This is an open Order of Conditions which has not received a COC yet due to a lack of stabilization in this area. The homeowners state that there is not adequate room to maneuver the vehicles and that it is not possible or safe to back all the way down the driveway.
- A motion to grant the modification as presented and discussed is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Letter from Homeowner Josiah & Carissa Haley dated 9/4/12*
 - *Sketched Plan dated 9/4/12*
 - *Photos dated 9/12/12*

242- 1019, COC Request, 1175 Turnpike Street (BC Realty Trust Company) (cont. from 8/22/12)

- The administrator briefly reviews the status of this request stating that the information required in condition #51 has not been received.
- A motion to deny the COC Request for lack of information is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.
- *Document:*
 - *E/Mail from Charlie Wear of Meridian Associates dated 9/12/12*

242-967, PCOC Request, 795 Great Pond Road (Lot 2) (Carrera) (Williams & Sparages) (cont. from 8/22/12)

- Eric P. Frahlich of Lillian Montalto Signature Properties and Peter Blaisdell of 191 South Main Street Middleton, MA are present.
- The administrator reviews the status of the work which was completed under and Enforcement Order to bring the site into compliance and states that it also appears that the roof infiltrator was installed previously during the house construction.
- The new home owner and the commission discuss that there is an area that is in need of a load of gravel to fully stabilize the area.
- The commission discusses with the new homeowner that he will need to periodically add new gravel to maintain the infiltration trench.
- A motion to grant the PCOC for 795 Great Pond Road (Lot 2) only is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.
- *Documents:*
 - *Letter from Williams & Sparages dated 8/14/12*
 - *WPA Form 8A-Request for Partial Certificate of Compliance*
 - *Copy of the Order of Conditions 242-967*
 - *Interim As-Built Plan dated 9/3/2002*
 - *Letter from Hayes Engineering, Inc. dated 9/3/2002*
 - *As-Built Plan dated 8/26/2002*
 - *Final Replication Area Report dated 9/19/2003*
 - *Letter from Hayes Engineering, Inc. dated 9/19/2003*
 - *Enforcement Order dated 9/2/2004*
 - *Amendment to Enforcement Order dated 9/14/2005*
 - *Superseding Enforcement Order dated 3/26/2006*
 - *Site Plan dated 5/17/1999*
 - *Approved Plan revised through dated 4/5/2004*
 - *Paul Russell letter re: driveway change dated 8/22/2006*
 - *Letter from Russell & Bernard, LLP dated 8/30/2006 Planning Department*
 - *Sketched Plan for 795 Great Pond Road (Lot 2)*
 - *Sketched Plan for 855 Great Pond Road (Lot 4)*
 - *Site Inspection Report dated 11/7/2007*
 - *As-Built Plan for Lot 2 dated 8/8/2012*
 - *As-Built Plan for Lot 2 dated 8/15/2012*
 - *Photo dated 8/16/2012*

- *Photos dated 9/12/2012*

242-242, PCOC Request, 45 Tucker Farm Road (Lot 1A) (O'Connor)

- The field inspector discusses the request for a PCOC for 45 Tucker Farm Road, stating that this is for the roadway and utilities and that a COC was issued for the house at the previous meeting.
- A motion to grant the PCOC for 45 Tucker Farm Road (Lot 1A) only is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *WPA Form 8A-Request for Partial Certificate of Compliance*
 - *Photos dated 8/21/12*

242-1285, COC Request, 125 Campion Road (Norse Environmental Services, Inc.)

- Robert W. Lavoie of Johnson & Borenstein, LLC is present.
- The administrator discusses the status of the property and states that the no-disturb area has finally grown in and there are posts and markers in place.
- A motion to issue the COC and release the bond is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Letter from Johnson & Borenstein, LLC dated 9/5/12*
 - *Letter from Norse Environmental Services, Inc. dated 12/1/11*
 - *WPA Form 8A-Request for Certificate of Compliance*
 - *Letter from Kaminski & Associates, Inc. dated 8/3/2006*
 - *Photos dated 9/20/11*
 - *As-Built Plan dated 9/5/12*

Ratification of Enforcement Order.

242-967, 795 Great Pond Road

- The administrator states that the Enforcement Order was issued to construct the infiltration trench to bring the property into compliance.
- A motion to ratify the Enforcement Order is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.

242-1544, 26 Main Street (Jeffco, Inc.)

- The administrator discusses that the applicant started work without a pre-construction meeting after being told in person that no excavation was to occur.
- The commission discusses.
- A motion to ratify the Enforcement Order is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Discussion

North Andover Conservation Commission 2013 Meeting Schedule

- The commission discusses the 2013 meeting schedule.
- A motion to continue the discussion to the September 26, 2012 is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.

116 Marbleridge Road

- The administrator reviews the issue.
- The Conservation Commission discusses and states that the applicant needs to file a formal modification request.

Decisions

242-1526, 151 Boxford Street

- The administrator reviews the drafted Order of Conditions.
- The Commission accepts Order of Conditions as drafted.
- A motion to issue the Order of Conditions as drafted is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

242-1564, 140 Marian Drive

- The administrator reviewed the drafted Order of Conditions.
- The Commission discusses and amends the Order of Conditions.
- A motion to issue the Order of Conditions as drafted and amended is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote 5 to 1 (Mr. McDonough opposed)

242-1565, 1635 Osgood Street

- The administrator reviewed the drafted Order of Conditions.
- The Commission discusses and amends the Order of Conditions.
- A motion to issue the Order of Conditions as drafted and amended is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

A motion to adjourn the meeting at: 10:00 PM made by Ms. Feltovic, seconded by Mr. Mabon

Vote unanimous.